

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

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**EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 27, 2008**

House of Representatives

The House convened at 10:00 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Labrador, McGeachin. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Nicole Wilson, Page.

Approval of Journal

March 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eightieth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

March 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HP 4**, **H 689**, and **H 690**.

CLARK, Chairman

HP 4, **H 689**, and **H 690** were filed for second reading.

March 27, 2008

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1514** and recommend that it do pass.

LOERTSCHER, Chairman

S 1514 was filed for second reading.

March 27, 2008

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 688** and **S 1485** and recommend that they do pass.

LAKE, Chairman

H 688 and **S 1485** were filed for second reading.

March 26, 2008

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 655** and **S 1361**, as amended, and report them back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

H 655 and **S 1361**, as amended, were placed on General Orders for consideration.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 691 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO DISPOSAL OF COUNTY PROPERTY; AMENDING SECTION 31-808, IDAHO CODE, TO REVISE PROVISIONS AND PROCEDURES FOR DISPOSAL OF TAX DEEDED PROPERTY BY A COUNTY, TO REVISE PROCEDURES FOR NOTICE TO ALL PARTIES IN INTEREST AND TO PROVIDE PROCEDURES FOR HOLDING AND DISPOSING OF EXCESS FUNDS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 691 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

SJM 114, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

S 1425, as amended in the House, by Health and Welfare Committee, was read the second time by title and filed for third reading.

S 1276, as amended in the House, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

S 1413, as amended, as amended in the House, by State Affairs Committee, was read the second time by title and filed for third reading.

H 662, as amended, **H 664**, as amended, and **H 656**, as amended, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Roberts asked unanimous consent that **H 682** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 682 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **H 682** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Bell, Labrador, McGeachin. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 682** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 680 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other legislation be allowed in debate of **H 680**. There being no objection, it was so ordered.

The question being, "Shall **H 680** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Clark, Collins, Crane, Eskridge, Hagedorn, Harwood, Henbest, Henderson, Kren, Lake, Loertscher, Marriott, Mathews, Mortimer, Nonini, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thomas, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 50.

NAYS -- Barrett, Bedke, Boe, Chew, Durst, Hart, Jaquet, Killen, King, LeFavour, Luker, Moyle, Nielsen, Pasley-Stuart, Ringo, Thayn, Trail, Wood(35). Total -- 18.

Absent and excused--Labrador, McGeachin. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **H 680** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 681 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 681** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Kren, Labrador, McGeachin. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 681** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 683 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Brackett to open debate.

The question being, "Shall **H 683** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused--Labrador, McGeachin. Total -- 2.
Total -- 70.

Whereupon the Speaker declared **H 683** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 684 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall **H 684** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Labrador, McGeachin, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 684** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 685 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thayn to open debate.

The question being, "Shall **H 685** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Jaquet, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 62.

NAYS -- Boe, Durst, LeFavour, Saylor. Total -- 4.

Absent and excused--Henderson, Labrador, McGeachin, Moyle. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 685** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 687 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 687** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused--Labrador, McGeachin, Moyle. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 687** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 514, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 514**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Labrador, McGeachin, Moyle. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 514**, as amended in the Senate, passed the House. Title was approved and the bill ordered referred to Judiciary, Rules, and Administration Committee for enrolling.

Mr. Hart asked unanimous consent that **HJM 12** be returned to the State Affairs Committee. There being no objection, it was so ordered.

S 1508 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1508** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Labrador, McGeachin, Wood(35). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1508** passed the House. Title was approved and the bill ordered returned to the Senate.

SJM 111 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

Mr. Hart asked unanimous consent that, pursuant to Rule 22, discussion of other legislation be allowed in debate of **SJM 111**. There being no objection, it was so ordered.

The question being, "Shall **SJM 111** be adopted?"

Whereupon the Speaker declared **SJM 111** adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Roberts moved that the House recess until 1:15 p.m. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Clark, Labrador, McGeachin. Total -- 3.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Roberts moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 27, 2008

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1280**, **H 655**, and **S 1361**, as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENTS TO S.B. NO. 1280

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 14, delete "4" and insert: "5"; and on page 3, following line 8, insert:

"Controlled Hunt Bonus Points/

Preference Points

(Not to exceed)

6.00

6.00".

AMENDMENT TO THE BILL

On page 1, following line 4, insert:

"SECTION . That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.
2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag

limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by temporary rule or proclamation the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary. Every such temporary rule shall be made in accordance with the provisions of chapter 52, title 67, Idaho Code.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. (A) Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules as it shall prescribe.

(B) The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits and collect fees therefor authorizing landowners of property valuable for habitat or propagation purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt deer, elk or antelope in controlled hunts containing the eligible property owned by those landowners in units where any permits for deer, elk or antelope are limited.

(C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be charged each applicant for a controlled hunt permit. Successful applicants for controlled hunt permits shall be charged the fee as specified in section 36-416, Idaho Code. Additionally, a fee may be charged for telephone and credit card orders in accordance with subsection (e)11. of section 36-106, Idaho Code. The department shall include a checkoff form to allow applicants to designate one dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward fund of citizens against poaching, inc., an Idaho nonprofit corporation. The net proceeds from the nonrefundable fee shall be deposited in the fish and game account and none of the net proceeds shall be used to purchase lands.

(D) The commission may by rule establish procedures and fees relating to the purchase of controlled hunt bonus or preference points by sportsmen.

6. Adopt rules pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other

device, lands or waters suitable for the purposes hereinafter enumerated in this paragraph. Whenever the commission proposes to purchase a tract of land in excess of fifteen (15) acres, the commission shall notify the board of county commissioners of the county where this land is located of the intended action. The board of county commissioners shall have ten (10) days after official notification to notify the commission whether or not they desire the commission to hold a public hearing on the intended purchase in the county. The commission shall give serious consideration to all public input received at the public hearing before making a final decision on the proposed acquisition. Following any land purchase, the fish and game commission shall provide, upon request by the board of county commissioners, within one hundred twenty (120) days, a management plan for the area purchased that would address noxious weed control, fencing, water management and other important issues raised during the public hearing. When considering purchasing lands pursuant to this paragraph, the commission shall first make a good faith attempt to obtain a conservation easement, as provided in chapter 21, title 55, Idaho Code, before it may begin proceedings to purchase, condemn or otherwise acquire such lands. If the attempt to acquire a conservation easement is unsuccessful and the commission then purchases, condemns or otherwise acquires the lands, the commission shall record in writing the reasons why the attempt at acquiring the conservation easement was unsuccessful and then file the same in its records and in a report to the joint finance-appropriations committee. The commission shall develop, operate, and maintain the lands, waters or conservation easements for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law, or the regulation of the commission;

(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining

the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) No person shall violate such restrictions on the use of motor-propelled vehicles or tear down or lay down any fencing or gates enclosing such a restricted area or remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules to administer the restrictions and cooperative agreements addressed in this subsection.

11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

12. Adopt rules pertaining to the application for, issuance of and administration of a lifetime license certificate system.

13. Adopt rules governing the application and issuance of permits for and administration of fishing contests on waters under the jurisdiction of the state. The fee for each permit shall be as provided for in section 36-416, Idaho Code.

14. Adopt rules governing the application for and issuance of licenses by telephone and other electronic methods.

15. Enter into agreements with cities, counties, recreation districts or other political subdivisions for the lease of lands or waters, in accordance with all other applicable laws, including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively provide recreational opportunities for taxpayers or residents of those local governments or political subdivisions.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.";

and also on page 1, in line 5, delete "SECTION 1" and insert: "SECTION 2".

CORRECTION TO TITLE

On page 1, delete lines 2 and 3, and insert:

"RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO AUTHORIZE THE FISH AND GAME COMMISSION TO ESTABLISH PROCEDURES AND FEES RELATING TO THE PURCHASE OF CONTROLLED HUNT BONUS OR PREFERENCE POINTS; AND AMENDING SECTION 36-416, IDAHO

CODE, TO REVISE A FEE PROVISION FOR A HOUND HUNTER PERMIT AND TO REVISE THE SCHEDULE OF LICENSE FEES."

HOUSE AMENDMENT TO H.B. NO. 655

AMENDMENT TO SECTION 1

On page 2, in line 8 following "section." insert: "If a store or stores in the retail commercial complex were in existence and collecting sales tax prior to the developer qualifying for the rebate pursuant to this section, that store's or stores' sales tax shall not be counted in the rebate of sixty percent (60%) of all sales and use taxes collected by the stores in the retail commercial complex.".

HOUSE AMENDMENT TO S.B. NO. 1361, As Amended

AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, in line 13, delete "then "when children are present" shall mean whenever" and insert: "the term shall mean"; in line 14, following "children" delete the remainder of the line; and in line 15, delete "in front of school buildings or on adjacent school grounds".

We have also had under consideration **H 475**, **H 478**, **H 479**, and **S 1281**, report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Roberts.

Whereupon the Speaker declared the report adopted.

H 655, as amended, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

S 1280, as amended in the House, and **S 1361**, as amended, as amended in the House, were filed for first reading.

H 475, **H 478**, **H 479**, and **S 1281** were retained on General Orders.

The amendments were referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

March 27, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 691**.

CLARK, Chairman

H 691 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **SJM 114** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **SJM 114** be read the first time by title, second time by title, and third time at length and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **SJM 114** was read the first time by title, second time by title, and third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **SJM 114** be adopted?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 63.

NAYS -- Durst, LeFavour. Total -- 2.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **SJM 114** adopted. Title was approved and the memorial ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1425**, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the

Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1425**, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1425**, as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **S 1425**, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 60.

NAYS -- Barrett, Bowers, Harwood, Loertscher, Patrick. Total -- 5.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1425**, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Loertscher asked unanimous consent that **S 1276**, as amended in the House, be returned to the State Affairs Committee. There being no objection, it was so ordered.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **S 1413**, as amended, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1413**, as amended, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1413**, as amended, as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shepherd to open debate.

The question being, "Shall **S 1413**, as amended, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Bayer, Bedke, Bilbao, Black, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Crane, Durst, Eskridge, Hagedorn, Hart, Henbest, Henderson, Jaquet, Killen, King, Kren, LeFavour, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shively, Smith(30), Snodgrass, Thomas, Trail, Wills, Wood(27), Mr. Speaker. Total -- 44.

NAYS -- Andrus, Barrett, Bell, Block, Bowers, Bradford, Collins, Harwood, Lake, Loertscher, Luker, Marriott, Mathews, Mortimer, Nielsen, Raybould, Shirley, Smith(24), Stevenson, Thayne, Vander Woude, Wood(35). Total -- 22.

Absent and excused--Anderson, Clark, Labrador, McGeachin. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1413**, as amended, as amended in the House, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **H 656**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 656**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 656**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 656**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused--Bedke, Clark, Labrador, McGeachin. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 656**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **H 662**, as amended, be suspended;

that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 662**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 662**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

Mrs. Chavez asked unanimous consent that, pursuant to Rule 22, discussion of other legislation be allowed in debate of **H 662**, as amended. There being no objection, it was so ordered.

Pursuant to Rule 38(3), Mr. Mathews disclosed a conflict of interest regarding **H 662**, as amended.

Mr. Lake asked unanimous consent that **H 662**, as amended, be returned to the Revenue and Taxation Committee. There being no objection, it was so ordered.

Mr. Roberts moved that all rules of the House interfering with the immediate consideration of **H 664**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 664**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, Mortimer,

Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 64.

NAYS -- Durst. Total -- 1.

Absent and excused--Anderson, Clark, Labrador, McGeachin, Stevenson. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 664**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 664**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bock, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chew, Collins, Durst, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, Kren, Lake, Loertscher, Luker, Marriott, Mortimer, Moyle, Nielsen, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 54.

NAYS -- Bayer, Chavez, Crane, King, LeFavour, Mathews, Nonini, Pasley-Stuart, Ringo, Snodgrass. Total -- 10.

Absent and excused--Anderson, Boe, Clark, Eskridge, Labrador, McGeachin. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 664**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Roberts moved that the House adjourn until 9:00 a.m., Friday, March 28, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:27 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk